

DECLARATION

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, Robert Fital, of full age, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury the following:

1. I have personal knowledge of the information contained here and if called upon to do so, I would be prepared to testify to this information.
2. I am employed as a Business Agent for Bricklayers Local 21 and I have been in that job since for about three years.
3. As part of my work duties I was involved in 2006 and 2007 in Union efforts concerning Z. D. Masonry, City of Chicago Masonry, and other businesses owned and operated by Zbigniew Dziadana.
4. I participated and assisted in picketing and monitoring their jobs, and along with Luciano Padilla I helped coordinate the activities of various Union organizers and agents who were involved in this effort, and I also kept track of documents we collected.
5. I first became involved with Mr. Dziadana's companies in January 2006 when they were working on a job in the 1500 block of Fullerton.
6. During January and February several Union members and agents either went to work for these businesses or sought to go to work for them.

7. Two individuals who went to work for the businesses in January 2006 were Zbigniew Kopacz and Krzysztof Huptych. I am not sure of their starting dates, but they were both before January 20.

8. Two others were Krzysztof Gallus and Tadeusz Kazecki, both of whom started in early February. Attached to this declaration label A and B are copies the first time slips each of these men prepared, showing that Mr. Gallus began work on February 2, 2006 and Mr. Kazecki began work on February 9.

9. On February 7, I applied for work with the businesses, along with Andy Kwiecien. We spoke to a superintendent at the job on Fullerton, asked if he was hiring bricklayers, and explained we were bricklayers looking for work. He said he was hiring but he could see from the insignias on our clothes that we were in the Union and he said the business was non-Union. He told us he needed bricklayers and pays \$20.00 an hour and up. He said he would hire us if we left the Union, but would not hire us if we stayed in the Union.

10. Mr. Kwiecien and I did not go to work for them then because we were unwilling to agree to leave the Union, but eventually we did go to work for them based on action taken by the National Labor Relations Board.

11. As part of my work, I monitored the way the businesses paid the workers who were Union members. The normal practice was to pay the employees in cash, but

when I eventually went to work for them based on the action of the NLRB, they paid me by check.

12. As part of our investigation, we had the individuals who were working for the businesses and were not known to Mr. Dziadana as being Union members open their pay envelopes in front of us. We would count the money that was enclosed and write that amount on the pay envelopes, and then make copies of the envelopes with the amount of cash written on them. In one case, we took a picture of the pay envelope along with the money it contained. Attached and marked as C is a copy of the picture we took on February 11 of the pay envelope given to Mr. Huptych, along with the cash it contained. Also attached and labeled as D, E, and F are copies of an envelope given to Mr. Kopacz, along with a handwritten notation that it contained \$1,200.00 in cash; an envelope given to Mr. Gallus, with a notation showing it contained \$250.00; and an envelope for Mr. Huptych with a notation showing it contained \$1,400.00. Each of those envelopes indicated it came from "Major Masonry Inc." We kept copies of all these documents in our files as part of our normal way of doing this work.

13. As I said earlier, when I went to work for these businesses they knew I was a Union representative and I was hired based on action of the NLRB. They paid me by check, with the checks being issued by Z.D. Masonry & Tuckpointing Corp. Attached as G are copies of checks that I received.

14. At about the same time I went to work for these businesses based on action by the NLRB, Krzysztof Huptych informed the boss that he was a Union member. After that, Mr. Huptych received a back-dated check for \$432.00, and it came from ZD Masonry & Construction, Inc. A copy of that check is attached as H.

15. During the time that Kopacz, Huptych, Gallus, Kwiecien, and I were working for these businesses, we were all reporting to the same boss and we were on many of the same job sites at one time or another. There was nothing on any of these jobs and nothing in the way we were given our orders that indicated the businesses were not the same.

16. The Union hired an investigator to obtain information about Mr. Dziadana's businesses. That investigator developed information by examining various documents that were part of the public record, many as part of a divorce case between Mr. Dziadana and his wife. We kept the information and documents in our files and I have made copies of some of that material. Among these documents is a list of several of the business names Mr. Dziadana used. That list is attached as I, and shows thirteen separate business names.

17. Also enclosed, and taken from our files of the investigator's documents from the divorce case, are copies of two checks, which are labeled J. One of those is a check for \$40,000.00 from ZD Masonry Corp. to ZD Masonry & Remodeling, and the other is a check for \$180,769.75 from Mr. Dziadana's personal account to ZD Masonry.

18. I continued monitoring the work by these businesses through 2006 and through most of 2007, sometimes as part of picketing and sometimes just checking their jobs. Among the locations where I saw them working at 671 North Peoria, in 2006; 1019-1049 West Monroe, from the summer of 2006 and continuing through November 2007; 2845 and 2905 North Halsted, which began in January 2006 and continued through most of that year; 1438 West Fullerton, which started in January 2006 and continued through the spring of 2006; another job on the same block of Fullerton that began in the summer of 2006 and continued through the spring or summer of 2007; a job at 3344 North Halsted that began in the spring of 2006 and continued through most of the year; a job in the 1600 block of West Chicago that began early in 2007 and continued through November 2007; a job on Bryn Mawr west of Western Avenue where they worked through the summer of 2007; a job on North Magnolia that began in the early part of 2006 and continued through June; and a job on North Chase that lasted from April to June of 2006.

19. There were many days when I was picketing one job site or another and was there from whenever they started work until they ended the work day. There were other times I checked the jobs periodically to see when they were starting and how long they worked, and there were also times I watched the progress they making on their projects and from that I was able to judge how much they were working.

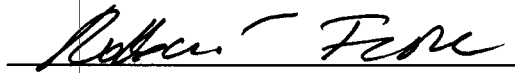
20. From my observations, I am convinced these businesses were busy practically non-stop from January 2006 through the end of November 2007. They usually had at least two major projects operating at any time that we were aware of. Most of their work involved new construction of condominiums and townhouses, and there was some commercial development also.

21. During most of the year, probably from about the 10th of March to the end of October, they worked from 8:00 a.m. until 5:30 or 6:00 p.m., and sometimes an hour or more later, five days a week, and they usually worked on Saturday from 8:00 a.m. until about 4:30 p.m.. Starting around the beginning of November, they usually only worked until about 4:30 p.m. because it would start to get dark, and they would usually do this six days a week. I think that they did little or no work for about four weeks from the middle of December 2006 until the middle of January 2007, and after that they continued on the reduced hours until around March 10. If the businesses lost work because of bad weather or for other reasons, they usually worked later during the week if weather and light permitted, and sometimes they also worked longer on Saturday.

22. I am confident that for approximately 33 weeks a year, from about March 10th to October 31, the company averaged at least 50 hours a week and usually more, and that during the rest of the year (except for the four weeks in December and January when I do not believe they did much work, if any), they averaged at least 40 hour a week.

23. As part of my work, I became familiar with the employees who worked on these jobs. I never saw any employee who was not white.

I have read the foregoing Declaration and swear that it is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in black ink, appearing to read "Robert Fital", written over a horizontal line.

Robert Fital

Date: 03.24.2008

F:\data\amh\BMB\DC1\ZD\CDocs\Declaration-Fital.wpd

Attachment A

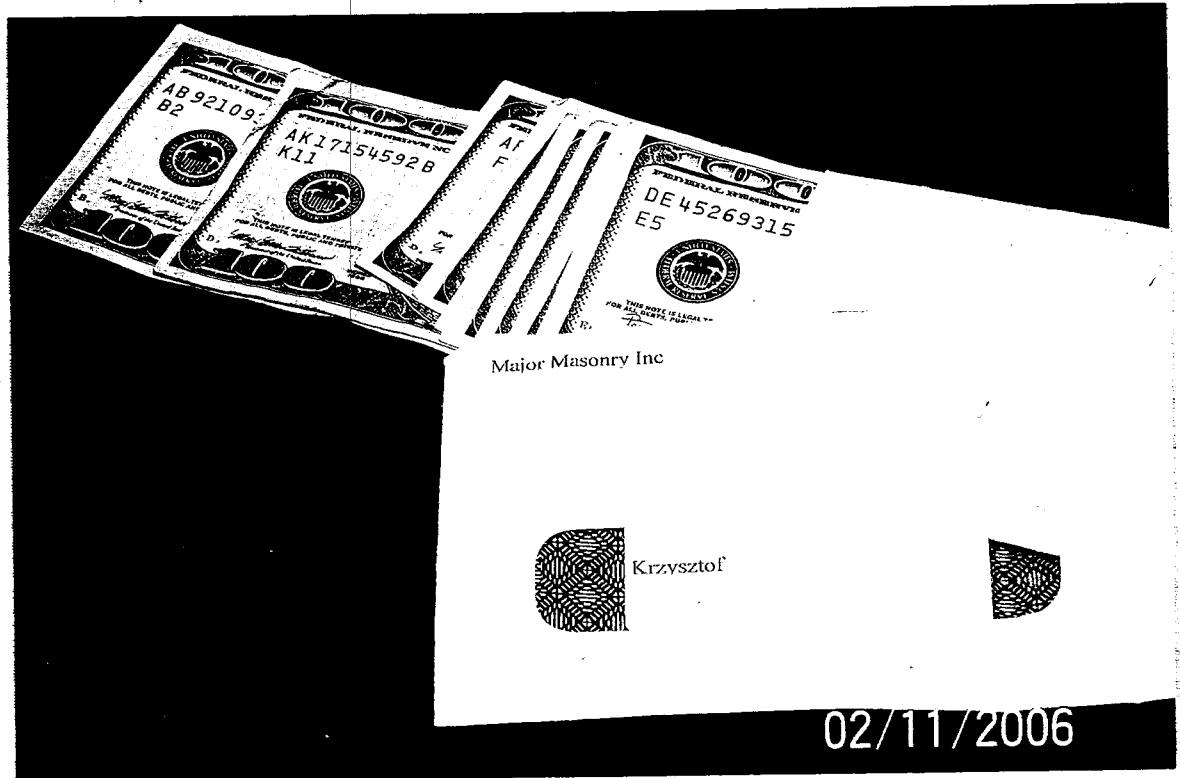
Nazwisko: Krzysztof Adam Gallus

Data	Adres	od - do	Liczba Godzin
02.02.06	Fulerton	8 ⁰⁰ - 4 ³⁰	8½
02.04.06	— 11 —	9 ⁰⁰ - 2	5
Suma			13½

Nazwisko: TADEUSZ KAZECKI

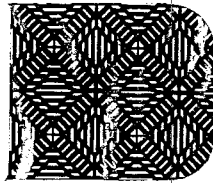
Data	Adres	od - do	Liczba Godzin
2.09.06	N. HALSTED		4 1/2
		Suma	4 1/2

Attachment C



Attachment D

Major Masonry Inc



Zbigniew



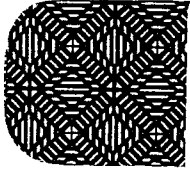
091534



1/200

Major Masonry Inc

Attachment E



Krzysztof Adam



\$ 250.00

Major Masonry Inc

Attachment F

Krzysztof

1/100

Attachment G

Z.D. MASONRY & TUCKPOINTING CORP.
CHICAGO, IL 60641

LASALLE BANK, N.A.
CHICAGO, ILLINOIS 60603
2-50-710

4/26/2006

PAY TO THE
ORDER OF Robert Fital

\$ **656.86

Six Hundred Fifty-Six and 86/100*****

Robert Fital
1950 W 43Rd St
Chicago, IL 60609

MEMO 04/12/2006 - 04/22/2006 Pay Period

⑈001006⑈ ⑆071000505⑆ 5201781555⑈

Udwinia Linda
SD 4/15/06

Z.D. MASONRY & TUCKPOINTING CORP.
CHICAGO, IL 60641

LASALLE BANK, N.A.
CHICAGO, ILLINOIS 60603
2-50-710

4/25/2006

PAY TO THE
ORDER OF Robert Fital

\$ **3,533.92

Three Thousand Five Hundred Thirty-Three and 92/100*****

Robert Fital
1950 W 43Rd St
Chicago, IL 60609

MEMO 02/01/2006 - 03/31/2006 Pay Period

⑈001005⑈ ⑆071000505⑆ 5201781555⑈

Udwinia Linda
SD 4/15/06

Attachment H

090071107-02

MEMO

ZID MASONRY & CONSTRUCTION, INC.
CHICAGO, IL 60651

LABE BANK
CHICAGO, ILLINOIS 60641-2145
2-7085-2710

1/26/2006

2074

PAY TO THE
ORDER OF


Hupych Krzysztof

Four Hundred Thirty-Two and 00/100*****
\$**432.00
DOLLARS

Krzysztof Hupych
27 E Hallendorf Ave #511
Roselle, IL 60172

Detlef K. Bruckner

⑈002074⑈ ⑆271070953⑆ ⑆00⑈987⑈5⑈

Security Features Included:  Details on back.

Attachment I

BUSINESSES ENTITIES USED

Z.D. MASONARY CORP.
ZIGGY MASONARY CORP.
BUCKTOWN BUILDERS, LLC
Z.D. MASONARY CORPORATION
ZD MASONARY & CONSTRUCTION
THE 1024 HONORE, LLC
Z.D.MASONARY CONSTRUCTION, INC
NORTHSIDE CONSTRUCTION AND DEVELOPMENT CORPORATION
Z.D. MASONARY AND REMODELING
CITY WIDE CONSTRUCTION
CAREW MASONARY, INC
DZ MASONARY & REMODELING
RNR DEVELOPERS, INC

IMAGE SNAPSHOT ACCT:
MIDWEST BANK AND TRUST COMPANY
Z D MASONRY CORP
5025 N OZARK AVE
NORRIDGE IL 60706-3338

3065/103 12/20/04 104/AM PAGE 2

MELCTX41B
XJKLIMEK

Attachment J (i)

NAME <u>Z D MASONRY CORP.</u>		DATE <u>11/17/03</u>	
ACCOUNT NO. _____		73-232/119	
PAY TO THE ORDER OF <u>Z D MASONRY CORP. Remodeling</u>		\$ <u>40,000.00</u>	
<u>Forty thousand and 00/100</u>		DOLLARS	
FOR <u>Reimbursement of loan</u>		<u>Larry Reinhardt</u>	
Midwest Bank and Trust Company A Division of Midwest Bank and Trust Company, Inc. 611 N. Paulina Street, Chicago, IL 60611		MICR: ⑆07192295⑆ 000030657103⑆ ⑆0004000000⑆	

Date 11/18/03 Ck#

Amt 40,000.00

11-18-03 INCLEARING002 055 0000630 11/17/03 0773470584		4042 5300	
11/17/03		LACUS PAY EX CASH ON HAND P07160505	
Z D MASONRY CORP 5025 N OZARK AVE NORRIDGE IL 60706-3338		PAY TO THE ORDER OF LACUS BANK N.A. CHICAGO, IL 60604-3722 ⑆07160505⑆	

Date 11/18/03 Ck#

Amt 40,000.00

EXHIBIT

IMAGE SNAPSHOT ACCT:
MIDWEST BANK AND TRUST COMPANY

710187603 12/20/04 1014AM PAGE 1

ZIGGY J DZIADANA

MELCTX41B
XJKLIMEK

Bad Address

Attachment J (2)

ZIGGY DZIADANA 6035 N OZARK NORRIDGE, IL 60700		75-222/713 710187603	103
Pay to the order of <u>Z. D. MASONRY</u>		Date <u>1/14/04</u>	
<u>One Hundred Eighty Thousand Seven Hundred Sixty Four and 15/100</u>		\$ <u>180,764.15</u>	
Midwest Bank and Trust Company 111 Pulaski Road Banking Center		Signature <u>[Signature]</u>	
MICR: 6071922955 710187603 0103		MICR: 0018076415	

Date 1/14/04 Ck#

103 Amt 180,764.15

MICR: 6071922955 710187603 0103		MICR: 0018076415	
INCLEARING002		Z. D. MASONRY & REMODELING CORP.	
JAN 17 2004		FOR DEPOSIT ONLY	
01-14-01555		MIDWEST BANK N.A.	
0504 0240		CHICAGO, IL 60654-3022	
071001058		FOR DEPOSIT ONLY	
00000000		MIDWEST BANK N.A.	
00000000		CHICAGO, IL 60654-3022	

Date 1/14/04 Ck#

103 Amt 180,764.15